

**Public Chapter 275**

**SENATE BILL NO. 688**

**By Ford**

Substituted for: House Bill No. 460

By Garrett, Ridgeway, Brenda Turner

AN ACT To amend Tennessee Code Annotated, Section 62-5-101 and Title 62, Chapter 5, Part 3, relative to funeral directors and embalmers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 62-5-101(a), is amended by adding the following new items thereto:

( ) "Licensee" means an embalmer or funeral director who holds a license issued by the board;

( ) "Licensing period" means the period of time that a funeral director's or embalmer's license is in effect in Tennessee;

SECTION 2. Tennessee Code Annotated, Title 62, Chapter 5, Part 3, is amended by adding the following as a new section thereto:

Section \_\_\_\_\_. (a) Every licensed embalmer holding a Tennessee license shall submit with the renewal application evidence of satisfactory completion of a continuing education program in mortuary science approved by the board.

(b) Beginning January 1, 2000, every licensed funeral director holding a Tennessee license shall submit with the renewal application evidence of satisfactory completion of a continuing education program in funeral directing approved by the board.

(c) Beginning January 1, 2000, each licensee holding a Tennessee license shall submit with the license renewal application satisfactory proof of completion of a minimum of ten (10) hours of continuing education coursework approved by the board. Compliance with such continuing education coursework shall be mandatory for renewal of a license.

(d) Any licensee who is sixty-five (65) years or older or who has held a license continuously for ten (10) years on or before October 1, 2000, shall be exempt from the continuing education requirements in this chapter. In addition, a licensee who demonstrates to the board on the

prescribed form that such licensee is disabled and is not practicing either funeral directing or embalming is exempt from the continuing education requirements set forth in this chapter.

(e) The board, for good cause, shall have the power to excuse licensees from the continuing education requirements set forth in this chapter.

(f) Continuing education credit(s) may be obtained by attending and participating in continuing education courses or workshops approved by the board.

(g) No continuing education hours from one (1) licensing period may be carried over to a subsequent licensing period.

SECTION 3. Tennessee Code Annotated, Title 62, Chapter 5, Part 3, is amended by adding a new section thereto, as follows:

Section \_\_\_\_\_. A nonresident licensee of Tennessee who holds a valid license as a funeral director or embalmer issued by another state may satisfy continuing education requirements through reciprocity, if the out-of-state credits meet the minimum standard requirements of this chapter.

SECTION 4. Tennessee Code Annotated, Title 62, Chapter 5, Part 3, is amended by adding a new section thereto, as follows:

Section \_\_\_\_\_. (a) A continuing education course or workshop shall be qualified for approval if the board determines that it:

(1) Constitutes an organized program of learning, including a symposium, which contributes directly to the professional competency of the licensee;

(2) Is related to the practice of mortuary science or funeral directing;

(3) Is conducted by individuals considered experts in the subject matter of the program by reason of education, training or experience; and

(4) Is accompanied by a paper, manual or written outline which substantially describes the subject matter of the program.

SECTION 5. Tennessee Code Annotated, Title 62, Chapter 5, Part 3, is amended by adding a new section thereto, as follows:

Section \_\_\_\_\_. A licensee who serves as a lecturer or discussion leader of an approved continuing education course or workshop may satisfy up to twenty-five percent (25%) of the continuing education requirement. Repetitious presentations shall be counted once.

SECTION 6. Tennessee Code Annotated, Title 62, Chapter 5, Part 3, is amended by adding a new section thereto, as follows:

Section \_\_\_\_\_. (a) Any organization or individual wishing to hold seminars with employees or other licensees shall:

(1) Submit to the board no less than ninety (90) days from the planned event, an application supplied by the board outlining the event, speaker and course description;

(2) Upon completion of an application, be notified of the approval or disapproval of the course a minimum of sixty (60) days before the courses are offered; and

(3) Following a seminar, submit paperwork with the following information:

(A) Name of person attending;

(B) License number;

(C) Date of attendance; and

(D) Hours completed within thirty (30) days.

(b) The board may waive the requirements of subsection (a) and approve continuing education courses for good cause shown.

SECTION 7. Tennessee Code Annotated, Title 62, Chapter 5, Part 3, is amended by adding a new section thereto, as follows:

Section \_\_\_\_\_. The board may annually or on request provide licensees with a written list of approved continuing education courses. This list shall include course offerings not only in Tennessee but also other states as deemed necessary by the board in order to make available a wide variety of courses and offerings to its licensees.

SECTION 8. Tennessee Code Annotated, Title 62, Chapter 5, Part 3, is amended by adding a new section thereto, as follows:

Section \_\_\_\_\_. (a) Each continuing education course approved by the board may subsequently be reviewed, and upon evidence of significant variation from the program application submitted, all or any part of the approved hours may be disapproved.

(b) The board or its representative shall be admitted to continuing education courses at no charge in order to monitor the licensees present, the content of the course, and supporting paperwork.

SECTION 9. Tennessee Code Annotated, Title 62, Chapter 5, Part 3, is amended by adding a new section thereto, as follows:

Section \_\_\_\_\_. (a) The board may appoint a committee to oversee the application process and monitoring of continuing education programs.

(b) In the event of a denial, in whole or in part, of any application for accreditation or approval of a continuing education course or workshop, the applicant or licensee shall have a right to a conference before the continuing education committee of the board. If dissatisfied with the ruling of the committee, the applicant or licensee may be granted a conference before the full board.

SECTION 10. Tennessee Code Annotated, Title 62, Chapter 5, Part 3, is amended by adding a new section thereto, as follows:

Section \_\_\_\_\_. Beginning January 1, 2000, each applicant for renewal of a funeral director's or embalmer's license in Tennessee shall submit the renewal fee accompanied by written proof of each continuing education course(s) the person has attended during the previous two (2) years. No applications for renewal will be considered without complete documentation of the continuing education hours and the renewal fee, unless exempted by this chapter.

SECTION 11. Tennessee Code Annotated, Title 62, Chapter 5, Part 3, is amended by adding a new section thereto, as follows:

Section \_\_\_\_\_. (a) The license of any funeral director or embalmer who has not met the continuing education requirements prescribed in this chapter shall not be renewed.

(b) Any licensee who submits credits for continuing education hours not attended or incomplete, or who submits falsified information shall be subject to discipline by the board.

SECTION 12. Tennessee Code Annotated, Title 62, Chapter 5, Part 3, is amended by adding a new section thereto, as follows:

Section \_\_\_\_\_. Approval of any continuing education program may be withdrawn by the board if:

(1) The establishment or conduct of a program violates, or fails to meet the requirements of, the provisions of this chapter or other applicable laws; or

(2) The information contained in the application for approval is materially inaccurate or misleading.

SECTION 13. This act shall take effect upon becoming a law, the public welfare requiring it.